

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, *ex rel.*
MICHAEL S. LORD,

Plaintiffs/Relator,

- v. -

NORTH AMERICAN PARTNERS IN
ANESTHESIA, LLP, NAPA
MANAGEMENT SERVICES
CORPORATION, NORTH AMERICAN
PARTNERS IN ANESTHESIA
(PENNSYLVANIA), LLC, and POCONO
MEDICAL CENTER,

Defendants.

Civil Action No.: 3:13-CV-2940

JUDGE MANNION

ELECTRONICALLY FILED

**[PROPOSED] STIPULATION AND ORDER
EXTENDING TIME AND PAGE LIMITS
FOR BRIEFING MOTIONS TO DISMISS**

This Stipulation is entered into by and among the Relator MICHAEL S. LORD (“Relator”); Defendants NORTH AMERICAN PARTNERS IN ANESTHESIA, LLP, NAPA MANAGEMENT SERVICES CORPORATION, and NORTH AMERICAN PARTNERS IN ANESTHESIA (PENNSYLVANIA), LLC (the “NAPA Defendants”); and Defendant POCONO MEDICAL CENTER (“PMC”) (collectively “Defendants”) (Plaintiff and Defendants collectively, the “Parties”), by and through their respective counsel.

1. On December 6, 2013, Relator filed a Complaint against Defendants alleging violations of the False Claims Act, 31 U.S.C. §3729(a)(1) & (a)(2) and 31 U.S.C. §3730(h), violation of the Pennsylvania Whistleblower Law, 43 P.S. §1421 *et seq.*, violation of the Pennsylvania Wage Payment Act, 43 P.S. § 260.1 *et seq.*, wrongful termination under Pennsylvania common law, and breach of contract.

2. On December 7, 2016, Relator publicly filed a redacted version of the Complaint (Dkt. No. 26) pursuant to the Court's Order dated November 8, 2016 (Dkt. No. 25).

3. On January 13, 2017, the Court approved the stipulation dated January 3, 2017 (Dkt. No. 32), extending the NAPA Defendants' deadline to respond to the Complaint to March 3, 2017 (Dkt. No. 36). Similarly, on January 17, 2017, the Court approved the stipulation dated January 6, 2017 (Dkt. No. 35), extending PMC's deadline to respond to the Complaint to March 3, 2017 (Dkt. No. 37).

4. On March 3, 2017, PMC filed a motion to dismiss (Dkt. No. 50) and supporting 31-page brief in support thereof (Dkt. No. 51).

5. On March 3, 2017, the NAPA Defendants filed a motion to dismiss (Dkt. No. 52). Pursuant to Local Rule 7.5, the NAPA Defendants' deferred filing their opening brief in support of the motion to dismiss until March 17, 2017.

6. Because of the numerous factual and legal issues involved in this case, the Parties seek relief from the timing and page limitations contained in Local Rule

7.8(b).

7. No prior extensions have been requested or granted as to the briefing schedule in response to the pending motions to dismiss, nor has there been any extensions of the page limitations.¹

8. This Stipulation is not brought for purposes of delay, but rather, is brought in good faith and in the spirit of cooperation.

WHEREFORE, the Parties stipulate as follows:

(A) The NAPA Defendants' opening brief supporting their motion to dismiss shall be due on **March 17, 2017**, and the page limitation for that brief shall be extended to 40 pages;

(B) Relator's deadline to file his opposition briefs to the motions to dismiss filed by the NAPA Defendants and PMC, respectively, shall be extended to **May 3, 2017**;

(C) The page limitation for Relator's opposition briefs shall be extended to 40 pages each, or, in the event Relator chooses to file one omnibus opposition brief, the page limitation shall be extended to 80 pages;

(D) The deadline for both the NAPA Defendants and PMC to file their respective replies briefs, if any, in further support of their motions shall be extended to **May 17, 2017**; and

¹ In light of this stipulation, the NAPA Defendants hereby withdraw as moot their motion to exceed the page limitation (Dkt. No. 53).

(E) The page limitation for any reply brief to the motions to dismiss shall be extended to 20 pages.

IT IS SO STIPULATED as of March 13, 2017.

**LOWEY DANNENBERG COHEN
& HART, P.C.**

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*Counsel for Defendant
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SO ORDERED:

The Honorable Malachy E. Mannion
United States District Court Judge for
the Middle District of Pennsylvania

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CERTIFICATE OF SERVICE

SCOTT V. PAPP, ESQUIRE, hereby certifies that on the 13th day of March, 2017, he caused to be served a true and correct copy of the foregoing [PROPOSED] STIPULATION AND ORDER by ECF on all counsel of record.

LOWEY DANNENBERG COHEN
& HART, P.C.

/s/ Scott v. Papp, Esquire
SCOTT V. PAPP, ESQUIRE